



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**January 24, 2005**

**SUBJECT:**           **2004-0863 - Sprint PCS** [Applicant] **California Water Service Company** [Owner]: Application on a 33,541 square-foot site located at **800 Carlisle Way** in an R-0 (Low-Density Residential) Zoning District. (APN: 309-12-013) (Negative Declaration):

Motion           Use Permit on a 33,541 square-foot site to allow a 50-foot tall monopole on a non-residential use property in a residential zoning district.

**REPORT IN BRIEF**

**Existing Site Conditions**           Cal Water facility: tank, pumps and accessory uses.

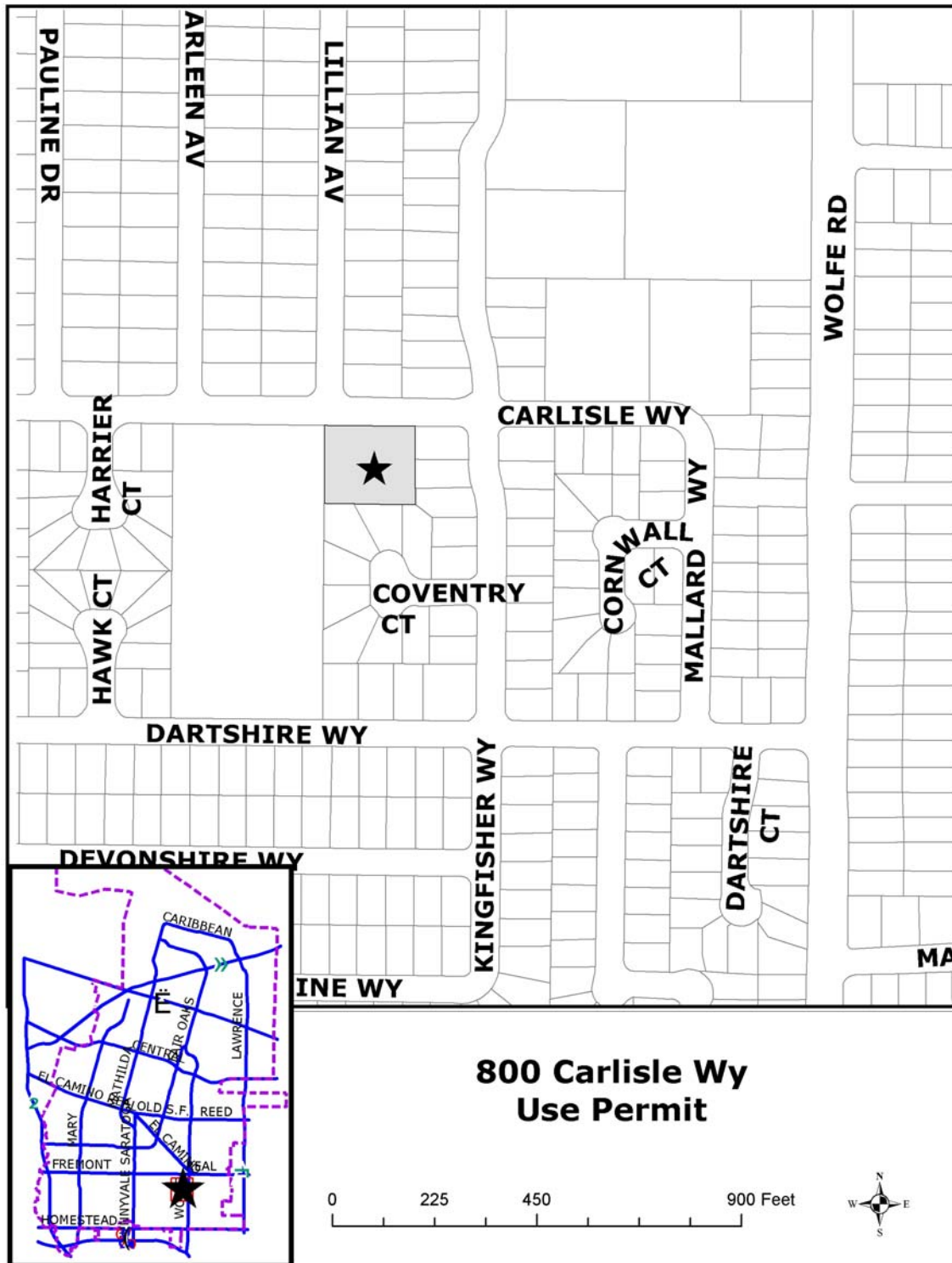
**Surrounding Land Uses**

North	Single-family Residential
South	Single-family Residential
East	Single-family Residential
West	Panama Park

**Issues**           Height  
Design  
Proximity to Residential Neighborhood

**Environmental Status**           A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with conditions, including revising monopole to tree pole.



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Density	Same	Residential Low Density
<b>Zoning District</b>	R-0	Same	R-0
<b>Lot Size (s.f.)</b>	33,541	Same	min.
<b>Gross Floor Area (s.f.)</b>	580 (water tank)	Same	13,416
<b>Lot Coverage (%)</b>	1.7%	Same	40% max.
<b>No. of Buildings On-Site</b>	3	Same	N/A
<b>Building Height (ft.)</b>	17 (water tank)	Same	30 max.
<b>Monopole Height (ft.)</b>	N/A	50	65 ft. permitted with Major Use Permit
<b>Area of equipment enclosure at the base of the pole</b>	N/A	375 s.f.	No max.
<b>Setbacks of proposed monopole (Facing Property)</b>			
• <b>Front</b>	N/A	80'	20' min.
• <b>Left Side</b>	N/A	37'	4' min.
• <b>Right Side</b>	N/A	149'	8' min.
• <b>Rear</b>	N/A	104'	20' min.

**ANALYSIS****Description of Proposed Project**

The project consists of the installation of a 12" diameter monopole 50 feet high with associated ground equipment at the base of the pole. The antennas will be screened inside the 12" diameter pole, except one antenna which will be placed on the pole mounted on the outside at 40 feet.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2001-0320	Two sheds to house mechanical equipment and small quantities of water purifying chemicals	MPP	5/21/01

**Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

**Use Permit**

**Use:** The proposed freestanding telecommunications facility is intended to serve Sprint customers in the surrounding neighborhood. Due to the increased demand for service from residential customers, the facility would need to be located in this residential neighborhood.

**Site Layout:** The Cal Water site has one water tank in the middle of the property, two small sheds and assorted pumps and small equipment. The proposed monopole will go near the northwest corner of the property, approximately 130 feet from the homes across Carlisle Way and 37 feet from Panama Park.

The applicant chose the corner of the property to place the monopole closer to the park and further from residential properties on Kingfisher Way, to avoid Cal Water underground infrastructure and to not restrict future development options on the remaining portion of the property.

**Design:** SMC Section 19.54.040(a) states that “based on potential aesthetic impact, the order of preference for facility type is: façade mounted, roof mounted, ground mounted and free-standing tower.” As a free-standing facility, the proposed design is the least desirable.

The proposed wireless facility is known as a “repeater” site, which means it takes the signal from an adjacent Sprint facility (located ½ mile away at 958 East El Camino Real) and re-transmits it to extend the coverage of the existing site. The 2’ x 2’ “planar array” antenna mounted outside the monopole at 40 feet is the antenna which picks up the signal from the adjacent site and then re-transmits it by the panel antennas located inside the pole at 50 feet. According to the applicant, Sprint may, in the future, convert the repeater site to a full cell site. This would involve adding additional and larger equipment at

the base of the pole and at least one more antenna on the pole. Sprint chose the use of a free-standing facility because of the lack of tall structures in the area on which the antennas could be placed.

SMC Section 19.54.040(p) also states that “the facility shall not be readily visible to the nearest residentially zoned property.” The proposed slim-line monopole although of minimal design, would stand above the vegetation located near the pole and could be considered to be readily visible from the properties on Carlisle Way and Lillian Avenue. A tree-pole (either a pine or broadleaf tree design) would better blend in with the vegetation on site and would be less readily visible from surrounding properties and public areas.

*Alternative Locations/Designs Considered:* The residential area surrounded by Wolfe, Homestead, Sunnyvale-Saratoga and Fremont roads is roughly one mile square. There are no wireless telecommunications facilities located within this area. Most non-residentially used properties available for a wireless site within the area are located around the perimeter. The only properties located within the one-mile square area which do not have residential uses are Stocklmeir School, Ortega Park, Panama Park and the Cal Water site. The applicant has provided the following explanations about why these locations were not used:

1. Stocklmeir School- The applicant determined that the Cal Water site was a more appropriate location than the school property.
2. Ortega Park- The applicant identified a possible candidate on an existing light standard in the park. The Parks Department currently discourages private telecommunications facilities on City park properties.
3. Panama Park- The applicant also identified Panama Park for a site for a new monopole, but the Parks Department policy also prevented the use of this property.

Due to the limited area, low scale of the buildings around the residential area, and general residential character, the applicant had difficulty finding a suitable location for the facility. Placing the wireless telecommunications facility on an existing public-facility property being used by Cal Water allows two quasi-public facilities on the same property. Staff recommends, however, revising the design to a tree pole to help mitigate potential visual impacts of the facility.

**Ground Equipment:** The equipment area will be 375 sq. ft. in size surrounded by a 6 ft. high wood fence. The equipment in the compound will operate continuously and is required by SMC 19.42.030(a) to not exceed 50 dBA. This standard is also applied to pool equipment and air conditioning units in residential neighborhoods. In order to ensure that the proposed equipment meets this standard, staff recommends that noise measurements be taken during equipment operation prior to building permit final (Condition 1.Y.).

**Radio Frequency (RF) Emissions Exposure:** The RF Emissions Report (Attachment F) includes information about the proposed radio frequency emissions of the tower. According to the report, the proposed facility would emit 0.054% of the maximum standard permitted by the FCC and is considered safe for inhabited areas. The FCC is the final authority on safety of telecommunications facilities. If the facility meets the FCC standards, the City is not permitted to make additional judgments on health and safety issues. The proposed application shall be considered on design and location criteria only.

To ensure the facility does not exceed federal guideline emission standards, staff recommends that the applicant take two readings of radio frequency emissions: one before the facility is constructed (to take the ambient level of existing emissions) and one after the facility is complete and operating at full capacity. These readings should be taken at each property line and submitted to the Director of Community Development in order to ensure the facility meets federal standards (Condition 1.J.).

**Existing Landscaping:** There are significant trees on the Cal Water site, including: 3 pine trees between 20-35 ft. in height, a 41 ft. eucalyptus and a row of olive trees along Carlisle Way no higher than 15 ft. in height. The larger trees are located behind the proposed free-standing pole. The proposed monopole would be the tallest object on the site. The attached photo simulations show both the slim-line monopole and the tree pole designs (Attachment E). The simulations show how the tree pole would better blend in with the existing vegetation on site.

## **Conclusion**

**Compliance with Development Standards/Guidelines:** The project as currently designed does not meet the criteria that the freestanding structure not be readily visible to surrounding residential properties. Staff recommends changing the design to a tree pole in order to meet the criteria and to have it better blend in with the existing vegetation on site.

**Expected Impact on the Surroundings:** The monopole will have a visual impact to the surrounding properties and public streets. This impact will be reduced if the design was changed to a tree pole. Proposed noise and radio frequency emissions will meet applicable standards and no further impact is expected.

**Staff Discussion:** The applicant's goal to provide service to the surrounding residential area is consistent with current wireless companies needs. The subject area is a mile square and has few non-residentially used properties on which a wireless site can locate. The proposed Cal Water site would be the

most appropriate because it already has a quasi-public use on the site. The design initially proposed for a slim-line monopole would be too obvious on the site and would be visible from many locations throughout the neighborhood. Staff recommends changing the design to a tree pole. This would allow the site to better blend in with the surrounding areas and also to allow possible future co-location opportunities with other wireless carriers.

### **Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

### **Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Permit .

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Public Contact**

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A noticed Neighborhood meeting was held on January 10, 2005 and was attended by 4 members of the public. The concerns raised were regarding noise, interference and radio frequency issues. Staff has received 3 calls and/or e-mails regarding the project with concerns expressed about these issues. Staff has also received comments from a member of the public regarding the lack of adequate wireless phone coverage throughout the city (Attachment H).

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 56 notices mailed to adjacent property owners and residents within 300' of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Alternatives**

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1. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Negative Declaration and do not approve the Use Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

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**Recommendation**

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Recommend Alternative 1, with revision to tree pole design.

Prepared by:

Andrew Miner  
Project Planner

Reviewed by:

Gerri Caruso  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Photo simulations
- F. RF Report
- G. Letter from the Applicant
- H. Letter from Other Interested Parties
- I. RF coverage maps



## **Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

**Telecommunications Policy Goal B:** Promote universal access to telecommunications services for all Sunnyvale citizens.

**Land Use and Transportation Element Action Statement N1.1** – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

**Land Use and Transportation Element Policy N1.3** – *Support a full spectrum of conveniently located commercial public and quasi-public uses that add to the positive image of the city.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides for residential access to telecommunications services while designing the facility to blend in with the residential character of the neighborhood.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the proposed design (as conditioned) will not negatively impact the surrounding residential properties and the RF emissions are substantially below federal limits.

**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission.
- G. Every owner or operator of a wireless telecommunications facility shall renew the facility permit at least every five (5) years from the date of initial approval.
- H. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Agency.
- I. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.

- J. The applicant shall submit to the Director of Community Development Radio Frequency Emissions at least two reports of field measurements showing: 1.) The ambient level of RF emissions before construction of the facility and 2.) The actual level of emissions after the facility is in place and operating at or near full capacity. The measurements shall be taken at each property line.
- K. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the city.
- L. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
  - a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
  - b) Name, address and telephone number of a local contact person for emergencies.
  - c) Type of service provided.
- M. The owner or operator shall maintain, at all times, a sign mounted on the outside fence along Carlisle Way showing the operator name, site number and emergency contact telephone number.
- N. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- O. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

- P. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- Q. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
- R. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
- S. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
- T. No wireless telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive

standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

- U. The monopole shall be disguised as a pine tree. Foliage shall start at 10 ft. above ground level. The pole shall have full bark.
- V. The applicant shall submit the tree pole design and specifications, including branch design and density of foliage to the Director of Community Development for approval before a building permit can be issued.
- W. The pole shall be structurally designed to support up to two additional carriers, unless the applicant can demonstrate that they negatively affect the aesthetic nature of the tree pole.
- X. Ground equipment fencing shall be 6 ft. high wood fencing. Landscaping shall be added to the base of the wood fence to the front and right sides of the compound to soften the view from Panama Park and Carlisle Way.
- Y. Prior to building permit final, the applicant shall measure the noise from the ground equipment from the surrounding homes to ensure compliance with Sunnyvale Municipal Code standards.
- Z. Sprint service vehicles shall park off Carlisle Way at the gate entrance parking area.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.
- B. The man-gate (at the property line) shall swing towards the site instead of towards the public sidewalk.

**3. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include planting around fence at base of equipment.
- B. No trees shall be removed as part of this application.
- C. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.

**4. LIGHTING**

- A. Provide photocells for on/off control of all security and area lights.
- B. All exterior security lights shall be equipped with vandal resistant covers.
- C. Lights shall have shields to prevent glare onto adjacent residential properties.

**5. SIGNS**

- A. All new signs shall be in conformance with Sunnyvale Municipal Code